

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PHILIP JUSTIN RILEY, et al.,
Plaintiffs,
v.
DESS RICHARDSON, et al.,
Defendants.

Case No. [13-cv-04364-JST](#)

**ORDER ADOPTING REPORT AND
RECOMMENDATION; DISMISSING
ACTION WITHOUT PREJUDICE FOR
FAILURE TO PROSECUTE**

Re: ECF No. 22

Plaintiffs Philip Justin Riley and Glenn Michael Kuder, who are proceeding pro se, brought this action for claims arising out of the initiation of a foreclosure on a residential property. ECF No. 1. Before the action was reassigned, Judge Ryu ordered the clerk to mail to Plaintiffs' address of record a notice to file a consent or declination to the jurisdiction of a magistrate judge. The Postal Service subsequently returned the notice as undeliverable. ECF Nos. 7, 8.

Then, after Plaintiffs failed to file an opposition to the pending motion for a more definite statement, Judge Ryu issued an order to show cause why the case should not be dismissed for failure to prosecute. ECF No. 15. Because Plaintiffs have not responded to that order, Judge Ryu issued a report and recommendation to dismiss this action without prejudice for failure to prosecute. ECF No. 22. The 14-day period for filing objections has passed and no party has filed an objection.

Because Judge Ryu's report and recommendation is thorough and well-reasoned, the Court adopts the report and recommendation in every respect. Accordingly, this action is hereby

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DISMISSED WITHOUT PREJUDICE FOR FAILURE TO PROSECUTE.

IT IS SO ORDERED.

Dated: December 13, 2013



JON S. TIGAR
United States District Judge

United States District Court
Northern District of California